



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

J.F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203-2211

December 13, 1990

Steven Pozner, Director of Compliance
Clean Harbors Companies
1200 Crown Colony Drive
P.O. Box 9137
Quincy, MA 02269

Dear Mr. Pozner:

This letter is in response to your request for clarification of the use of EPA Hazardous Waste Numbers in identifying pentachlorophenol wastes.

40 C.F.R. § 261.31 identifies EPA Hazardous Waste Number F027 as the following:

"Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing Hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)."

40 C.F.R. § 261.24, as amended at 55 Federal Register 11362 (March 29, 1990), identifies, among others, the following compound that exhibits the characteristic of toxicity:

D037 - Pentachlorophenol (regulatory level: 100 mg/L)

It has been, and remains, EPA's approach that, where a waste is listed in Subpart D of Part 261 (§ 261.30 - § 261.33) and a constituent for which it was listed appears in Subpart C of Part 261 (§ 261.20 - § 261.24), the Subpart D, or listed, Hazardous Waste Number is applicable to the waste.

In the case of pentachlorophenol, EPA Hazardous Waste Number F027 would be used for all unused formulations containing pentachlorophenol. EPA Hazardous Waste Number D037 would be used only for wastes which did not meet the criteria of F027. For example, solid wastes mixed with used formulations of pentachlorophenol (old telephone poles, railroad ties, etc.) would carry EPA Hazardous Waste Number D037.



Steven Pozner
Clean Harbors Companies
December 18, 1990
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If you have any further questions or comments on this matter,
feel free to call me at (617) 573-5778.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. G. Cianciarulo', with a large, stylized flourish at the end.

Robert G. Cianciarulo, Chemical Engineer
RCRA Support Section
Waste Management Division

cc: Joan Jouzaitis



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J.F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203-2211

October 26, 1990

Nick Skoularikis, PhD
Loureiro Engineering Associates
100 Northwest Drive
Plainville, CT 06062

Dear Dr. Skoularikis:

We are in receipt of your correspondence of October 22, 1990 relative to a request for interpretation on whether the processing of 1,1,1-trichloroethane contaminated soils in an asphalt batching plant is considered as a beneficial reuse or recycling and therefore not subject to the RCRA hazardous waste regulations.

The processing of the 1,1,1-trichloroethane contaminated soil in an asphalt batching plant is not considered to be a beneficial reuse under 40 CFR §261.6. The 1,1,1-trichloroethane is considered to be a solvent and not a petroleum product such as gasoline or fuel oil. In order for the asphalt batching plant to receive the 1,1,1-trichloroethane contaminated soil, it must have a RCRA permit and have demonstrated that it meets the incinerator standards of 40 CFR Subpart O. Also, your letter does not contain any demonstration on what the benefits of the 1,1,1-trichloroethane would be in asphalt.

In addition, the disposal of the waste is subject to the requirements of 40 CFR Part 268 (Land Disposal Restriction). For the latest requirements with respect to the land disposal restrictions, please refer to the June 1, 1990, Federal Register Notice, 55 FR 22520 for treatment standards which were established for the third third wastes.

If you should have any questions, please call me at (617) 573-9644.

Sincerely,

A handwritten signature in cursive script that reads "Stephen Yee".

Stephen Yee, Environmental Engineer
Waste Management Division

cc: Dave Nash, CTDEP
Gerard Sotolongo, EPA
John Podgurski, EPA
Bob Cianciarulo, EPA



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

J.F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203-2211

September 7, 1990

Daniel Gillingham, Inside Sales Manager
Franklin Environmental Services, Inc.
185 Industrial Road
P.O. Box 617
Wrentham, MA 02093

Dear Mr. Gillingham:

I have been asked to respond to your request, dated August 15, 1990, for clarification of certain Land Disposal Restrictions (LDR) and hazardous waste classification provisions.

Your interpretations are essentially correct. A generator who chooses to close a portion of his/her operation must determine whether any of the resultant debris meets the definition of hazardous waste under 40 C.F.R. Part 261. In your scenario, you outline a situation where piping, tanks, wood flooring, and concrete all show varying levels of EPA hazardous waste numbers F006 and F007. As you are aware, a listed waste, once identified, remains a RCRA hazardous waste, regardless of how much is present, unless and until the waste is "de-listed". In the case where demolition debris is contaminated with these listed wastes, the "mixture rule" of 40 C.F.R. § 261.3(a)(2)(iv) would require that these "solid wastes" mixed with "listed wastes" also carry the listed hazardous waste numbers, again, regardless of concentration.

EPA hazardous waste number F006 has been restricted from land disposal since August 8, 1988 (the cyanide standard for F006 was promulgated on June 8, 1989) and F007 has been restricted from land disposal since June 8, 1989. Therefore, the contaminated debris you have described must meet the applicable treatment standards outlined in 40 C.F.R. § 268.41 and/or § 268.43. To determine compliance with these treatment standards, a representative sample of the waste would have to be tested by the Toxicity Characteristic Leaching Procedure (TCLP) and a Total Waste Analysis (if cyanides are present). If the waste was found to exceed any of the treatment standards, the waste would have to be treated in order to meet the standard(s). Once all treatment standards are met, the waste may be disposed of in a "Subtitle C" hazardous waste landfill. These waste would still retain the F006 and/or F007 hazardous waste numbers.

EPA has not specified any method of treatment for F006 or F007. It should be noted, however, that, although stabilization is allowed for compliance with the treatment standards for metals, EPA does not consider stabilization an acceptable treatment



method for cyanide wastes. Cyanide containing wastes must undergo some type of destruction in order to comply with the treatment standard(s).

Concerning the four items outlined in your letter, Region I offers the following:

1. "Are tanks, piping, flooring correctly represented as F006 or F007 when resultant of minor contamination such as the situation described?"

As stated above, according to the "mixture rule", 40 C.F.R. § 261.3(a)(2)(iv), a "solid waste" mixed with a hazardous waste is defined as a hazardous waste. This debris, therefore, would be identified as F006 or F007 if contaminated by these wastes.

2. "After a complete decon with the resulting analysis showing the hazardous constituents at much less than the 268.41(a) and 268.43(a) standards, are the debris still required to go to a RCRA hazardous waste landfill?"

First, it should be noted that a waste is never required to go to a landfill. A waste which meets the LDR treatment standards is eligible for disposal in a hazardous waste landfill, but further treatment is never precluded.

If an attempt is made to decontaminate the debris in order to meet the LDR treatment standards, the debris would remain a listed waste and all resultant decontamination waters, etc. would also carry these waste codes due to the "derived from" rule found at 40 C.F.R. § 261.3(c)(2)(i). To verify that the treatment standards have been met throughout the contaminated debris, a TCLP (and a total waste analysis for cyanide contamination) would have to be done on a representative sample of the debris and at several different intervals in the waste matrix. That is, analytical verification would be necessary to show that contaminant concentration was below the treatment standard(s) throughout the concrete debris, for example. Once it is verified that all treatment standards have been met, the waste may be disposed of in a "Subtitle C" hazardous waste landfill, again, carrying the F006 and/or F007 waste code.

3. "If, after deconning, subsequent analysis of the area showed all F006 and F007 constituents as "None Detected", would the debris still be required to go to a RCRA hazardous waste landfill?"

Yes. 40 C.F.R. § 261.3(c)(1) states that "Unless and until it meets the criteria of paragraph (d): A hazardous waste will remain a hazardous waste." Paragraph (d)(2) states that a waste identified in paragraph (c) which is a listed waste, or derived

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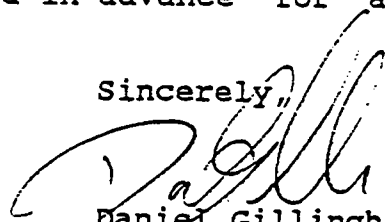
The alternative would be to decon the various equipment through high pressure washing with a suitable cleaning agent. The rinse from this would be collected and disposed of as an F006 or F007 due to the mixture rule again. The equipment would be tested for F006 or F007 constituents and confirmed to be below the treatment standards of 268.41(a) and 268.43(a) at which time it would be disposed of in a RCRA hazardous waste landfill as an F006 or F007 meeting treatment standards (due to the "derived from rule" of 261.3(c)(2)(i)).

That is my interpretation of the given situation. What has surfaced in the past are numerous questions that I would request you answer individually and provide the appropriate reference in 40CFR so that I find the regulations you are referring to for your interpretation.

1. Are tanks, piping, flooring correctly represented as F006 or F007 when resultant of minor contamination such as the situation described?
2. After a complete decon with the resulting analysis showing the hazardous constituents at much less than the 268.41(a) and 268.43(a) standards, are the debris still required to go to a RCRA hazardous waste landfill?
3. If, after deconning, subsequent analysis of the area showed all F006 and F007 constituents as "None Detected", would the debris still be required to go to a RCRA hazardous waste landfill?
4. Are there any standards for closures of Large Quantity Generator facilities as there are for TSDF's?

I would like to thank you in advance for addressing this situation in a written reply.

Sincerely,



Daniel Gillingham
Inside Sales Manager

DG/det

April 18, 1990

Mr. Edward Cook
Bridgeport Metal Goods Mfg. Co.
365 Cherry St.
Bridgeport, CT 06605

Dear Mr. Cook;

In response to our telephone conversation of April 12, the following information is being provided to clarify the RCRA requirements for spent carbon and solvent waste we discussed.

Spent trichloroethylene is a RCRA hazardous waste, it is a listed waste (hazardous waste No. F001) as defined in 40 CFR Part 261 Subpart D. The mixture of carbon and spent trichloroethylene must be handled as a hazardous waste. This waste is subject to the provisions of 40 CFR Part 268, land disposal prohibitions. Manifesting requirements (as required by 40 CFR Part 262 and Part 268) for this restricted waste must be followed. The Best Demonstrated Available Technology, from which treatment standards have been set, for trichloroethylene is incineration.

If you have any further questions concerning the above information you may call me at (617) 573-9677.

Sincerely,

Richard Piligian
CT Waste Regulation Section